UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NO. 93-7208

BERNARD HARRISON, et al., Appellants

v.

HOWARD UNIVERSITY, Appellee

Appeal from the United States District Court for the District of Columbia

Before Buckley, Randolph and Tatel, *Circuit Judges*

JUDGMENT

This case was considered on the record from the United States District Court for the District of Columbia and on the briefs filed by the parties. After full review of the issues presented, the court concludes that appropriate disposition of the appeal does not warrant an opinion. *See* D.C. Cir. Rule 36(b).

Appellants brought this diversity suit claiming appelle committed the tort of abuse of process by initiating a zoning hearing "solely for the, ulterior, collateral objective of devaluing [appellants'] property..." Complaint ¶ 13. The district court granted appellee's motion to dismiss or, in the alternative, for summary judgment. The facts alleged in appellants' complaint, if true, would still fail to establish an abuse of process under District of Columbia law. *Bown v. Hamilton*, 601 A.2d 1074 (D.C. 1992). Accordingly it is

ORDERED AND ADJUDGED by the court that the judgment of the district court be affirmed to the extent it grants appellee's motion to dismiss for failure to state a claim upon which relief can be granted. Fed. R.Civ.P. 12(b)(6); *see Bonham v. District of Columbia Library Admin.*, 989 F.2d 1242, 1243-44 (D.C. Cir. 1993).

The clerk is directed to withhold issuance of the mandate herein until seven days after the disposition of any timely petition for Rehearing. *See* See D.C. Cir. Rule 41.

Per Curiam